

SUPPORTING STATEMENT
U.S. Election Assistance Commission
Voting System Testing and Certification Program

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The Help America Vote Act (HAVA) requires that the Election Assistance Commission (EAC) certify and decertify voting systems (42 U.S.C. §15371). Section 231(a)(1) of HAVA specifically requires the EAC to "... provide for the certification, de-certification and re-certification of voting system hardware and software by accredited laboratories."

The EAC performs this mandated function through the use of its Voting System Testing and Certification Program. Voting systems certified by the EAC are used by citizens to cast votes in Federal Elections. Therefore, it is paramount that this program operates in a reliable and effective manner. In order to certify a voting system, it is necessary for the EAC to:

- (1) Require voting system manufacturers to submit information about their organization and the voting systems they submit for testing and certification.
- (2) Require voting system manufacturers to retain voting system technical and test records.
- (3) Provide a mechanism for voting system manufacturers, election officials and other members of the public to report events which may affect a voting system's certification; and
- (4) Require voting system manufacturers to submit detailed information concerning system anomalies including the investigation and corrective actions of those anomalies.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information collected under the EAC Voting System Testing and Certification Program is used solely by EAC personnel to determine whether a voting system meets voluntary Federal voting system standards. Ultimately, EAC determination regarding whether a voting system is certified or decertified will be published. However, the information provided to the EAC to support a grant of certification is made public subject to the requirements of the Freedom of Information Act and the Trade Secrets Act.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The EAC provides for the electronic collection of information via e-mail from identified parties. The EAC is also looking at accepting information using online web applications. The EAC is committed to making the submission of information to the agency as efficient and easy as possible through the use of technology.

4. Describe efforts to identify duplication.

The Voting System Testing and Certification Program does not collect a large amount of information. This fact, itself, reduces the potential for duplication. The information is not collected on a regular basis, but rather as needs arise.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

This collection of information does not have a significant economic effect on a substantial number of small entities; however, some small local government entities are among potential respondents. The EAC has made efforts to limit the information requested and burden on all participants. The information sought is limited to that information necessary to certify and maintain certification for voting systems.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If the EAC does not collect this information, it will be unable to provide for the certification and decertification of voting system hardware and software in accordance with the Help America Voting Act of 2002. As no other national body presently exists to perform this function, such a consequence could have a significant negative impact on the nation's election administration.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

(a) Requiring respondents to report information to the agency more often than quarterly.
Not applicable in this collection.

(b) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.
Not applicable in this collection

(c) Requiring respondents to submit more than an original and two copies of any document.
Not applicable in this collection.

(d) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than 3 years.
Not applicable in this collection.

(e) Requiring the use of statistical data classification that has been reviewed and approved by OMB.

Not applicable in this collection.

(f) That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use.

This collection does not include a pledge of confidentiality not supported by statute or regulation.

(g) requiring respondents to submit proprietary trade secrets or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

This collection may require the collection of proprietary or trade secret information protected by agency procedures. Proprietary technical information on voting systems is necessary to make a determination on certification. The EAC has set procedures and policy for the identification and protection of this information consistent with the requirements of the Freedom of Information Act and the Trade Secrets Act.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

There will not provide any payment or gift to respondents in this collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

No assurance of confidentiality has been provided to respondents. Information provided will be made public consistent with the requirements of the Freedom of Information Act and the Trade Secrets Act.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

The collection does not include sensitive or private questions.

12. Provide an estimate in hours of the burden of the collection of information.

- (a) Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Generally, estimates should not include burden hours for customary and usual business practices.*
- (b) If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.*
- (c) Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate. The cost of contracting out or paying outside parties for information collection activities should not be included here.*

The EAC will be collecting information on voting systems and their manufacturers. The agency is using four forms to collect this information (1) a manufacturer registration form, (2) a voting system certification application form (3) a field anomaly reporting form, (4) a voting system root cause analysis. The estimated total annual hourly burden on the voting system manufacturing industry and election officials is 172 hours. The estimated annual cost burden to these parties is \$14,876.

- Manufacturer Registration Form: It is estimated that, on average, only one manufacturer will likely register per year. This estimate reflects the number of known entities manufacturing and selling voting systems in the United States, virtually all who are already registered. This form is required to be submitted once for participation in the EAC's program. Using historical data, and current knowledge of the voting system industry, we estimate this form would take up to two hours, with at a cost of \$113 per hour. This would likely be submitted by someone in a senior role with the voting system manufacturer. The total would be \$226
- Voting System Certification Application Form: In recent years, the EAC has received about five applications for voting systems a year. This form is required to be submitted each time a voting system is submitted for EAC certification. Based upon discussions with industry, completion of this form is estimated to take approximately 2 hours. Therefore, the total annual hourly burden for this form will be 10 hours. Based on an hourly cost factor of \$75, the total cost to the industry of this information collection is \$750.
- Field Anomaly Reporting Form. This form may be used by election officials (state employees), in a purely voluntary capacity. It is mandatory for voting system manufacturers. It is used to report problems with certified voting systems. Up to five anomaly reports have been received a year over the last few years. The EAC estimates

that this form will take 2 hours to complete. Therefore, the total annual hourly burden for this form will be 10 hours a year. Based upon an average hourly cost factor of \$55 for election officials or voting system manufacturers, the total estimated cost of such submissions is \$550.

- Voting System Root Cause Analysis. This form is used by voting system manufacturers to detail the investigation, findings, corrective actions, and solution management when anomalies are identified. It is mandatory for voting system manufacturers to perform a root cause analysis when anomalies are identified. In recent years, up to five of these forms have been submitted a year. The hourly burden for each form can vary considerably, depending on the anomaly, but in reviewing previous timelines submitted by manufacturers, 30 hours is reasonable. Estimated cost per hour is \$89, thus total burden is \$13,350

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

- (a) The cost estimate should be split into two components: (1) a total capital and start-up cost component (annualized over its expected useful life) and (2) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.*
- (b) If cost estimates are expected to vary widely, agencies should present ranges of cost burden and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.*
- (c) Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.*

The EAC has identified no “non-hour” cost burdens for this collection of information that are not part of the effected industry’s customary and usual business practices.

14. Provide estimates of annualized cost to the Federal government.

The estimated annual cost to the Federal Government to administer these four forms is \$6,000. Using \$75 per hour cost for personnel, we estimate:

- 5 hours to review and respond to the Manufacturer Registration Form, and any attachments
- 7 hours to review and respond to each Voting System Application Form, and any attachments
- 3 hours to review and respond to each Field Anomaly Form, and any attachments
- 5 hours review and respond to each Root Cause Analysis.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

Not applicable.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Not applicable to this collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable to this collection.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

To the extent that the topics apply to this collection of information, we are not making any exceptions to the “Certification for Paperwork Reduction Act Submissions.”

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods